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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL BOYD,

Defendant.

CR No.: 05-0236 EMC

STIPULATION AND ~~[PROPOSED]~~
ORDER EXCLUDING TIME

On February 14, 2006, the parties in this case reached an agreement to defer the prosecution of the offense in the above captioned matter for a period of twelve months. The parties hereby stipulate and request of the Court to exclude the time during this period under the Speedy Trial Act, 18 U.S.C. §3161 (h)(8)(A). Specifically, the parties stipulate that the deferral of prosecution is the appropriate disposition of this case and that such deferral will allow Michael Boyd to demonstrate his good conduct pursuant to Title 18 U.S.C. §3161 (h)(2).

The parties further stipulate and hereby request that the Court set a control date of February 14, 2007, for a status hearing on the completion of the pre-trial diversion.

SO STIPULATED:

KEVIN V. RYAN
United States Attorney

DATED: 09/06/06

/s/ Derek R. Owens
DEREK R. OWENS
Special Assistant United States Attorney

DATED: 09/05/06

/s/ Ronald Tyler
RONALD TYLER
Attorney for Mr. Boyd

For the reasons stated above, the Court finds that an exclusion of time between February 14, 2006, and February 14, 2007, is warranted and that the ends of justice are served by the continuance. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny Mr. Boyd a period of delay to demonstrate his good conduct, and would result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(2). The Court also orders a February 14, 2007, hearing on the status of the pre-trial diversion.

SO ORDERED.

DATED: September 8, 2006

EDWARD
United States

